

SECOND REGULAR SESSION

HOUSE BILL NO. 1066

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRAY AND KREIDER (Co-sponsors).

Pre-filed December 3, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2911L.01I

AN ACT

To amend chapter 171, RSMo, by adding thereto eight new sections relating to school-sponsored student publications in the public schools.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 171, RSMo, is amended by adding thereto eight new sections, to be
2 known as sections 171.200, 171.203, 171.206, 171.209, 171.212, 171.215, 171.218 and 171.221,
3 to read as follows:

171.200. As used in sections 171.200 to 171.221, the following terms mean:

2 (1) "Actively interfered with or altered the content of the student speech or
3 expression" does not include typographical corrections, grammatical corrections, or other
4 general format requirements or corrections;

5 (2) "Faculty advisor", the school official, teacher, counselor, or other responsible
6 person appointed by the school or school district to oversee an official student publication.
7 A single faculty advisor may be appointed for all official student publications in the school
8 or a separate faculty advisor may be appointed for each individual official student
9 publication;

10 (3) "Official student publications", any matter which is prepared, substantially
11 written, or published by students and distributed or generally made available, either free
12 of charge or for a fee, to members of the student body and which is prepared under the
13 direction of a certificated school employee. Student publications shall also include, but not
14 be limited to videos, yearbooks, radio programs, and programs produced for distribution
15 or broadcast on video technology equipment;

16 (4) "School official", any member of the local school board, administrative
17 employees of the school board, and school principals and vice principals;

18 (5) "Student", any person attending a public secondary school in the state.

171.203. Any expression made by students in the exercise of free speech, including
2 expression by students in official student publications, shall not be deemed to be an
3 expression of school policy. The liability of a school district, school employees, faculty
4 advisors, and school officials for libel, slander, or defamation made or published in an
5 official student publication shall be limited as follows:

6 (1) Where the school district, school employee, faculty advisor, or school official has
7 actively interfered with or altered the substantive content of the student speech or
8 expression, and then only to the extent of the interference or alteration of the speech or
9 expression;

10 (2) Where the school district has failed to establish an adequate written student
11 publication code, as required by this section, it shall be fully liable for such failure; or

12 (3) Where the school district, school employee, faculty advisor, or school official has
13 failed to enforce the standards established in the school district's written student
14 publication code, as required by this section, the school district and responsible parties
15 shall be fully liable for their future. Moreover, any school district that may be sued over
16 any student publication may assert its sovereign immunity defense.

171.206. The general assembly declares that students of the public schools shall
2 have the right to exercise freedom of speech and of the press, and no expression contained
3 in an official student publication shall be subject to prior restraint except for the types of
4 expression described in section 171.209. This section shall not prevent the advisor from
5 encouraging expression which is consistent with high standards of English and journalism.

171.209. Nothing in sections 171.200 to 171.221 shall be interpreted to authorize the
2 publication or distribution by students of the following:

3 (1) Expression which is obscene or obscene as to minors;

4 (2) Expression which is libelous, slanderous, or defamatory;

5 (3) Expression which creates a clear and present danger of the commission of
6 unlawful acts, the violation of lawful school regulations, or the material and substantial
7 disruption of the school; or

8 (4) Expression which violates the rights of others to privacy as defined by state law.

171.212. The board of education of each school district shall adopt a written
2 student publication code consistent with the terms of this section. This publication code
3 shall establish reasonable procedures for ensuring that those forms of expression
4 prohibited by section 171.209 are not published or distributed in official student
5 publications. This publication code shall also include reasonable provisions for the time,
6 place, and manner of conducting free expression within the school district's jurisdiction.

7 Nothing in this section shall prohibit, nor require, the school district to establish reasonable
8 qualifications for participation in official student publications. The publication code called
9 for in this section shall be distributed, posted, or otherwise made available to all students
10 and teachers at the beginning of the 2001-2002 academic year and at the beginning of each
11 school year thereafter.

171.215. 1. Appointed faculty advisors of students producing official student
2 publications shall supervise the production of the student staff to demonstrate professional
3 standards of English and journalism, and to ensure student compliance with the provisions
4 of this section. If participation in an official student publication is part of a school class
5 or activity for which grades or credit are given, the provisions of this section shall not be
6 interpreted to interfere with the authority of the faculty advisor for such official student
7 publication to establish or limit writing assignments for the students working on the
8 publication and to otherwise direct and control the learning experience that the publication
9 is intended to provide.

10 2. The department of elementary and secondary education shall promulgate rules
11 regarding the appointment of faculty advisors.

12 3. No rule or portion of a rule promulgated pursuant to the authority of this section
13 shall become effective unless it has been promulgated pursuant to the provisions of chapter
14 536, RSMo.

171.218. Student editors of official student publications shall assign and edit the
2 news, editorial and feature content of their publications subject to the limitations of this
3 section.

171.221. Nothing in this section shall prohibit or prevent any governing board of
2 a school district from adopting otherwise valid rules and regulations relating to
3 communications by students not covered by sections 171.200 to 171.221.